

## **REMARKS**

Claims 1-15, 17, 19, and 20 are pending. Claims 1, 13-15, and 19-20 have been amended herein, for example, to reflect more proper grammar/punctuation. Moreover, claim 19 has been amended according to the suggestion by the Examiner. Support for the present amendments can be found, for example, throughout the specification. Upon entry of the present amendments, claims 1-15, 17, 19, and 20 will remain pending.

### **I. Nonstatutory Obviousness-Type Double Patenting Rejection**

Claims 1, 3, 17, 19, and 20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting allegedly as being unpatentable over claims 1-3, 5-7, 9, 10, 12, and 19 of copending U.S. Patent Appl. No. 10/499,054 (hereinafter “the ‘054 application”). Applicants respectfully note that the ‘054 application has been issued as U.S. Patent No. 7,342,019. Applicants herewith file a terminal disclaimer with respect to U.S. Patent No. 7,342,019. In view of the terminal disclaimer to be filed, Applicants respectfully request withdrawal of this rejection.

Claims 1, 3, and 17 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting allegedly as being unpatentable over claims 1-11 and 18 of copending U.S. Patent Appl. No. 10/543,264 (hereinafter “the ‘264 application”). Applicants herewith file a terminal disclaimer with respect to the ‘264 application. In view of the terminal disclaimer to be filed, Applicants respectfully request withdrawal of this rejection.

### **II. Claim Rejections under 35 U.S.C. of § 112, first paragraph**

Claim 19 is rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking enablement. Although the Office concedes that the claim is enabled “for the treatment of obesity, bulimia, and extended abuse, addiction and/or relapse disorders,” the Office mistakenly asserts that other indications recited in the claim are not enabled. Although Applicants believe that claim 19 as originally filed (or previously presented) is sufficiently enabled, solely to advance prosecution, Applicants have amended claim 19 as suggested by the Office. In view of the amendment, this rejection becomes moot.

### **III. Claim Rejections under 35 U.S.C. of § 112, second paragraph**

Claim 19 is rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctively claim the subject matter which

applicant regards as the invention. The Office point to the term “epilepsy and related conditions.” Although Applicants disagree, in view of the current amendment to claim 19, this rejection also becomes moot.

#### **IV. Claim Objections**

a) Claim 19 is objected to because of the term “neurological disorders” is repeated twice. In view of the current amendment to claim 19, this objection becomes moot.

b) Examiner indicates that claims 2 and 4-15 are otherwise allowable, but are objected to as allegedly being dependent upon a rejected base claim. In view of the terminal disclaimers to be filed with this Response and Request for Reconsideration, this objection also becomes moot.

#### **V. Objections to Specification**

The abstract of the specification is objected to because there is no generic structure for the compounds of the invention. Although Applicants respectfully submit that the generic structure is not required in the abstract, solely to advance prosecution, Applicants have amended the abstract. Accordingly, this objection also becomes moot.

#### **VI. Conclusion**

In view of the foregoing, Applicants respectfully submit that the pending claims are in condition for allowance. An early notice of the same is earnestly solicited. The Examiner is invited to contact Applicants’ undersigned representative at (215) 981-4142 if there are any questions regarding the present application.

The Commissioner is hereby authorized to debit any fee due or credit any overpayment to deposit account 50-0436.

Respectfully submitted,

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